



Growth Management Committee

**Tuesday, March 28, 2006
1:00 PM – 4:00 PM
212 Knott Building**



Florida House of Representatives

Growth Management Committee

Allan Bense
Speaker

Randy Johnson
Chair

AGENDA

GROWTH MANAGEMENT COMMITTEE

Tuesday, March 28, 2006

1:00 PM – 4:00 PM

212 Knott Building

I. Meeting Called to Order

II. Opening Remarks by Chairman

III. Consideration of the following bill(s):

HB 935 CS by Rep. Benson – Temporary Buildings

HB 7109 by Rep. Brummer/F&T Committee – Homestead Property Assessments

IV. Consideration of the following proposed committee bill:

PCB GM 06-02 – Growth Management

PCB GM 06-03– Growth Management

V. Meeting Adjourned

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 935 CS Temporary Buildings
SPONSOR(S): Benson
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Local Government Council	8 Y, 0 N, w/CS	Smith	Hamby
2) Growth Management Committee		Strickland <i>B/E</i>	Grayson <i>AS</i>
3) State Infrastructure Council			
4)			
5)			

SUMMARY ANALYSIS

Florida Statutes authorize the Florida Building Commission (Commission) to establish minimum standards for permitting, plan review and issuance of mandatory certificates of occupancy (administrative provisions), as well as technical standards for construction.¹ The Commission has adopted the Florida Building Code (Code), which generally applies to modular buildings and site built construction. The Code provides that buildings anticipated to be used for less than six months are entitled to different review and technical standards than permanent buildings (local building officials are authorized to extend that six month period). A different administrative standard applies to modular school buildings, which are statutorily authorized to be used for up to four years and still maintain their temporary status.² The National Flood Insurance Program provides some allowance for temporary buildings, which it defines using a 180 day time period, within flood-prone areas. Buildings in flood prone areas for longer periods of time require foundations sufficient to withstand pressure from flood waters.

HB 935 w/CS provides that modular buildings, manufactured buildings, and factory-built buildings that do not exceed 24 months occupancy shall be considered "temporary" and shall be exempt from the soil and foundation requirements for permanent buildings contained in the Florida Building Code. Such exempt buildings are required to use a temporary foundation design that meets or exceeds the wind load capacity of the building and the soil bearing capacity of the building location. The bill allows for one additional 24 month temporary permit.

¹ Section 553.73(4)(a), F.S., (2005).

² Section 553.415, F.S., (2005).

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government - This bill may restrict the ability of local governments to enforce safety requirements as applied to temporary buildings and reduces the number of repeated permits by increasing the time between inspections.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

Florida Statutes authorize the Florida Building Commission (Commission) to establish minimum standards for permitting, plan review and issuance of mandatory certificates of occupancy (administrative provisions), as well as technical standards for construction.³ The Commission has adopted the Florida Building Code (Code), which generally applies to modular buildings and site built construction. The Code provides that buildings anticipated to be used for less than six months are entitled to different review and technical standards than permanent buildings (local building officials are authorized to extend that six month period). A different administrative standard applies to modular school buildings, which are statutorily authorized to be used for up to four years and still maintain their temporary status.⁴ The National Flood Insurance Program provides some allowance for temporary buildings, which it defines using a 180 day time period, within flood-prone areas. Buildings in flood prone areas for longer periods of time require foundations sufficient to withstand pressure from flood waters.

Technically, the Code provides that "[t]emporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure the public health, safety and general welfare."⁵ [This section was adopted verbatim by the Commission from the International Building Code.]

The following "temporary" buildings are exempt from application of the Code:

(d) Temporary buildings or sheds used exclusively for construction purposes.

(e) Mobile or modular structures used as temporary offices, except that the provisions of part II relating to accessibility by persons with disabilities shall apply to such mobile or modular structures.

(g) Temporary sets, assemblies, or structures used in commercial motion picture or television production, or any sound-recording equipment used in such production, on or off the premises.⁶

Effect of Proposed Changes

The bill provides that modular buildings⁷, manufactured buildings⁸, and factory-built buildings⁹ that do not exceed 24 months occupancy shall be considered "temporary" and shall be exempt from the soil and foundation requirements for permanent buildings contained in the Florida Building Code. Such

³ *Supra* note 1.

⁴ *Supra* note 2.

⁵ Section 107.2, Florida Building Code, Building Volume (2004).

⁶ Section 553.73(8), F.S., (2005).

⁷ Section 558.002(7), F.S., (2005).

⁸ Section 553.36(12), F.S., (2005).

⁹ Section 212.02(7), F.S., (2005).

exempt buildings are required to use a temporary foundation design that meets or exceeds the wind load capacity of the building and the soil bearing capacity of the building location. The bill allows for one additional 24 month temporary permit.

C. SECTION DIRECTORY:

Section 1. Adds subsection (12) to s. 553.37, F.S., that do not exceed 24 months occupancy shall be considered "temporary" and shall be exempt from the soil and foundation requirements for permanent buildings contained in the Florida Building Code, but shall use a temporary foundation design that meets or exceeds the wind load capacity of the building and the soil bearing capacity of the building location. The bill allows for one additional 24 month temporary permit.

Section 2. Provides that the act shall take effect upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

There may be a minimal fiscal impact on local governments relating to permitting by increasing the time between inspections.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Decreased costs of installation and lack of repeated permitting will result in savings to the private sector.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable, because this bill does not appear to: require the counties or cities to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The Department of Community Affairs (Department) proposed the following amendments to the original filed bill:

- Shortened threshold, 4 years is a long period of time to call a building temporary in general application.
- Limit the application of provision to areas outside of those governed by the flood-resistant construction requirements of the National Flood Insurance Program.
- Provision for design for anticipated loads caused by factors in addition to wind.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

The Council on Local Government adopted one strike-all amendment on March 8, 2006. The amendment provides that modular buildings, manufactured buildings, and factory-built buildings that do not exceed 24 months occupancy shall be considered "temporary" and shall be exempt from the soil and foundation requirements for permanent buildings contained in the Florida Building Code. Such exempt buildings are required to use a temporary foundation design that meets or exceeds the wind load capacity of the building and the soil bearing capacity of the building location. The bill allows for one additional 24 month temporary permit. The bill, as amended, was reported favorably with committee substitute.

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2006
CS

CHAMBER ACTION

The Local Government Council recommends the following:

Council/Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to temporary buildings; amending s.
553.37, F.S.; considering certain buildings as temporary;
extending the certificate of occupancy for a temporary
building for a limited time; providing foundation
requirements for such buildings; exempting such buildings
from soil and foundation requirements of the Florida
Building Code; providing exceptions; providing an
effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (12) is added to section 553.37,
Florida Statutes, to read:

553.37 Rules; inspections; and insignia.--

(12) Any modular building, manufactured building, or
factory-built building, regardless of the occupancy type, that
meets the requirements of this part and does not exceed a
maximum of 24 months' occupancy from the date of the certificate

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2006
CS

24 | of occupancy is considered temporary. The certificate of
25 | occupancy for a temporary building may be extended for an
26 | additional 24 months. Such temporary building shall use a
27 | temporary foundation design that meets or exceeds the wind load
28 | capacity of the building and the soil bearing capacity of the
29 | building location and shall be exempt from the soil and
30 | foundation requirements of the Florida Building Code. If the
31 | occupancy length of such building is greater than 48 months, or
32 | if the building is located in a flood zone, the building is
33 | considered a permanent structure and shall comply with all
34 | requirements of the Florida Building Code, unless otherwise
35 | exempted.

36 | Section 2. This act shall take effect upon becoming a law.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7109 PCB FT 06-04 Property Taxation
SPONSOR(S): Finance & Tax Committee
TIED BILLS: **IDEN./SIM. BILLS:** SB 1430

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.: Finance & Tax Committee	9 Y, 0 N	Monroe	Diez-Arguelles
1) Growth Management Committee		Strickland <i>HS.</i>	Grayson <i>HS.</i>
2) Fiscal Council			
3) _____			
4) _____			
5) _____			

SUMMARY ANALYSIS

Current law limits the increase in assessed value of homesteaded property. Changes, additions, and improvements to such property are assessed at full just value. However, if a homestead property is destroyed by misfortune or calamity, the property may be repaired or replaced without being assessed at full just value, provided that the just value of property as repaired or replaced does not exceed 125 percent of the just value before the destruction.

The bill amends s. 193.155(4), F.S., to provide that changes, additions, or improvements to damaged or destroyed homestead property shall not increase the assessed value if:

- the square footage of a homestead is increased by 10 percent or less, or
- the square footage of the house as rebuilt or repaired does not exceed 1500 square feet.

The bill also amends s. 196.031, F.S., to specifically provide that under the following conditions damaged or destroyed homestead property shall retain its homestead status, when the property is uninhabitable on January 1:

- the property otherwise qualifies as homestead property,
- the owner notifies the property appraiser that he or she intends to repair or rebuild the property and make it his or her primary residence once it is rebuilt, and
- the owner does not claim a homestead exemption on any other property or otherwise violate the provisions of s. 196.031, F.S.

The Revenue Estimating Conference has estimated that this bill will reduce local revenues by \$3.8 million on an annual basis, assuming no change in millage rates. The bill will have no effect upon General Revenue.

This bill will take effect upon becoming law and apply retroactively to January 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Ensure Lower Taxes -This bill will change how property appraisers determine if homestead property should be reassessed upon being rebuilt after being damaged or destroyed by misfortune. As such, it will cause a shift in the property tax burden resulting in lower taxes for some persons.

B. EFFECT OF PROPOSED CHANGES:

Background:

Article VII, s. 4 of the State Constitution requires that all property be assessed at its just market value for ad valorem tax purposes. Just value has been interpreted to mean fair market value.

Article VII s. 4(c) of the State Constitution, provides for a homestead property assessment increase limitation. This provision is commonly known as "Save our Homes". The annual increase in a homestead property's assessed value is limited to 3 percent or the Consumer Price Index percentage change, whichever is lower, not to exceed just value. If there is a change in ownership, the property must be assessed at its just value on the following January 1. The value of changes, additions, or improvements to the homestead property is assessed as provided by general law. Section 193.155, F.S., implements this assessment limitation.

Section 193.155(4), F.S., provides that changes, additions, or improvements to homestead property are assessed at just value as of the first January 1 after the changes, additions, or improvements are substantially completed. However, paragraph (b) of s. 193.155(4), F.S., stipulates that changes, additions, or improvements do not include replacement of a portion of real property damaged or destroyed by misfortune or calamity when the just value of the damaged or destroyed portion as replaced has a just value that is not more than 125 percent of the previous just value of the damaged or destroyed portion. The value of any replaced real property or portion thereof which is in excess of 125 percent of the just value of the damaged or destroyed property is deemed to be a change, addition, or improvement and subject to assessment.

Proposed Changes:

The bill amends s. 193.155(4), F.S., to provide that changes, additions, or improvements to damaged or destroyed homestead property shall not increase the assessed value if:

- the square footage of a homestead is increased by 10 percent or less, or
- the square footage of the house as rebuilt or repaired does not exceed 1500 square feet.

The bill also amends s. 196.031, F.S., to specifically provide that under the following conditions damaged or destroyed homestead property shall retain its homestead status, when the property is uninhabitable on January 1:

- the property otherwise qualifies as homestead property,
- the owner notifies the property appraiser that he or she intends to repair or rebuild the property and make it his or her primary residence once it is rebuilt, and
- the owner does not claim a homestead exemption on any other property or otherwise violate the provisions of s. 196.031, F.S.

C. SECTION DIRECTORY:

Section 1 amends s. 193.155(4), F.S., to change the criteria under which the repair or replacement of property destroyed by a calamity will not trigger a reassessment under Save our Homes.

Section 2 amends s. 196.031, F.S., to specifically provide that a homestead destroyed by misfortune or calamity shall not lose its homestead status under certain conditions, even if the home is not inhabitable on January 1.

Section 3 provides that the bill shall take effect upon becoming law and apply retroactively to January 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The Revenue Estimating Conference has estimated that the bill reduces local revenues by \$3.8 million on an annualized basis, assuming no change in millage rates by local governments.

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill may reduce the assessed value of some property that replaces homestead property damaged or destroyed by misfortune or calamity, if the repairs or replacements fall within the bill's square footage thresholds but would have exceeded the current-law threshold of 125 percent of just value.

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill reduces the authority that cities or counties have to raise ad valorem tax revenues in the aggregate. As such, the mandates provision would appear to apply. However, since the bill is implementing a constitutional provision, it can be argued that the mandates provision does not affect this bill. Nevertheless, it is recommended that the bill be passed by a two-thirds margin to avoid any possible constitutional issues.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

HB 7109

2006

A bill to be entitled

An act relating to homestead property assessments;
amending s. 193.155, F.S.; revising exceptions applicable
to damaged or destroyed homestead property to a
requirement that changes, additions, or improvements to
homestead property be assessed at just value under certain
circumstances; providing for assessment of changed or
improved homestead property; amending s. 196.031, F.S.;
providing for the continued granting of a homestead
exemption for certain damaged or destroyed homestead
property under certain circumstances; providing for
retroactive application; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (4) of section 193.155, Florida
Statutes, is amended to read:

193.155 Homestead assessments.--Homestead property shall
be assessed at just value as of January 1, 1994. Property
receiving the homestead exemption after January 1, 1994, shall
be assessed at just value as of January 1 of the year in which
the property receives the exemption.

(4) (a) Except as provided in paragraph (b), changes,
additions, or improvements to homestead property shall be
assessed at just value as of the first January 1 after the
changes, additions, or improvements are substantially completed.

(b) Changes, additions, or improvements that replace all
~~or do not include replacement of~~ a portion of homestead real

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29 property damaged or destroyed by misfortune or calamity shall
 30 not increase the homestead property's assessed value when the
 31 square footage of the homestead property as changed or improved
 32 does not exceed 110 percent of the square footage of the
 33 homestead property before the damage or destruction ~~just value~~
 34 ~~of the damaged or destroyed portion as replaced is not more than~~
 35 ~~125 percent of the just value of the damaged or destroyed~~
 36 ~~portion.~~ Additionally, the homestead property's assessed value
 37 shall not increase if the total square footage of the homestead
 38 property as changed or improved does not exceed 1,500 square
 39 feet. Changes, additions, or improvements that do not cause the
 40 total to exceed 110 percent of the total square footage of the
 41 homestead property before the damage or destruction or that do
 42 not cause the total to exceed 1,500 total square feet shall be
 43 reassessed as provided under subsection (1). The homestead
 44 property's assessed value shall be increased by the just value
 45 of that portion of the changed or improved homestead property
 46 ~~any replaced real property, or portion thereof, which is in~~
 47 ~~excess of 110 125 percent of the square footage of the homestead~~
 48 ~~property before the damage or destruction or of that portion~~
 49 ~~exceeding 1,500 square feet just value of the damaged or~~
 50 ~~destroyed property shall be deemed to be a change, addition, or~~
 51 ~~improvement. Homestead Replaced real property damaged or~~
 52 destroyed by misfortune or calamity which, after being changed
 53 or improved, has a square footage with a just value of less than
 54 100 percent of the homestead original property's total square
 55 footage before the damage or destruction ~~just value~~ shall be
 56 assessed pursuant to subsection (5). For purposes of determining

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57 assessed value pursuant to this paragraph, the just value of the
 58 changed or improved portion in excess of 110 percent of the
 59 square footage of the homestead property before the damage or
 60 destruction, or that portion exceeding 1,500 square feet, shall
 61 be determined based on the average just value of all square
 62 footage in the improved portions of the homestead property
 63 determined as of January 1 of the year following the change or
 64 improvement.

65 (c) Changes, additions, or improvements include
 66 improvements made to common areas or other improvements made to
 67 property other than to the homestead property by the owner or by
 68 an owner association, which improvements directly benefit the
 69 homestead property. Such changes, additions, or improvements
 70 shall be assessed at just value, and the just value shall be
 71 apportioned among the parcels benefiting from the improvement.

72 Section 2. Subsection (7) is added to section 196.031,
 73 Florida Statutes, to read:

74 196.031 Exemption of homesteads.--

75 (7) When homestead property is damaged or destroyed by
 76 misfortune or calamity and the property is uninhabitable on
 77 January 1 after the damage or destruction occurs, the homestead
 78 exemption may be granted if the property is otherwise qualified
 79 and if the property owner notifies the property appraiser that
 80 he or she intends to repair or rebuild the property and live in
 81 the property as his or her primary residence after the property
 82 is repaired or rebuilt and does not claim a homestead exemption
 83 on any other property or otherwise violate this section.

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2006

84 Section 3. This act shall take effect upon becoming a law
85 and shall apply retroactively to January 1, 2006.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB GM 06-02 Growth Management
SPONSOR(S): Growth Management Committee
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.: Growth Management Committee		Strickland <i>BS</i>	Grayson <i>AG</i>
1) _____	_____	_____	_____
2) _____	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

PCB GM-06-02 is a bill relating to growth management. The PCB:

- Removes the requirement that the entire local comprehensive plan be financially feasible.
- Provides for a waiver of the transportation facilities concurrency requirements for certain urban infill, redevelopment, and downtown revitalization areas.
- Deletes record keeping and reporting requirements related to transportation de minimis impacts.
- Provides for small scale amendments for certain built-out municipalities.

The bill does not appear to have a fiscal impact on state or local governments.

The bill provides an effective date of July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

Background:

Ch. 2005-290, L.O.F.

The 2005 Legislature enacted ch. 2005-290, L.O.F. (CS/CS/CS SB 360), the Act, relating to infrastructure planning and funding. The Act was the subject of a conference committee during the last two days of the 2005 Session and was the last bill to pass both houses during the last hour of that Session.

Effect of Proposed Changes:

The bill removes the requirement that the entire comprehensive plan adopted by a local government be financially feasible.

The bill provides legislative findings that urban infill and redevelopment be promoted in Florida.

Transportation concurrency requirements: The bill provides for a waiver of transportation concurrency requirements for urban and redevelopment areas designated in the comprehensive plan for local governments that create a long-term vision that includes adequate finding, services, and multimodal transportation options. Specifically, this provision applies to urban infill and redevelopment areas designated in the comprehensive plan under s. 163.2517, F.S., or areas designated in the comprehensive plan prior to January 1, 2006, as urban infill development, urban redevelopment, or downtown revitalization.

De minimis impacts: The bill removes record keeping and reporting requirements related to transportation de minimis impacts.

Comprehensive Plan Amendments: The bill provides that municipalities that are 90% built-out, are exempt from the statutory limits on the frequency of consideration of amendments to the local comprehensive plan provided that the amendment involves a use of 100 acres or fewer and:

- The cumulative annual effect of the acreage for all amendments adopted does not exceed 500 acres.
- The proposed amendment does not involve the same property that has been granted a change within the prior 12 months.
- The proposed amendment does not involve the same owner's property within 200 feet of property granted a change within the prior 12 months.
- The proposed amendment does not involve a text change to the goals, policies, and objectives of the local government's comprehensive plan but only proposes a land use change to the future land use map for a site-specific small scale development activity.
- The property that is the subject of the proposed amendment is not located within an area of critical state concern.

Definition of “built-out”:

- The bill defines the term “built-out” as “90 % of the property within the municipality’s boundaries, excluding lands that are designated as conservation, preservation, recreation, or public facilities categories, have been developed, or are the subject oaf an approved development order that has received a building permit, and the municipality has an average density of 5 units per acre for residential development.”

Notice Requirements:

- The bill provides that a local government is not required to comply with notice requirements so long as they comply with the provisions of s. 166.041 (3) (c), F.S. Further, the bill authorizes only local governments to enjoy the exemption provided for in this provision.
- The local government shall send copies of the notice and amendment to the sate land planning agency, the regional planning council, and any other person or entity requesting a copy, along with a statement identifying any property subject to the amendment that is located within a coastal high hazard area as identified in the local comprehensive plan.

Public Hearing – The bill provides that amendments adopted pursuant to the provisions of this bill will require only one public hearing before the governing board, which shall be an adoption hearing , and are not subject to the requirements of 163.3184 (3) – (6) unless the local government elects to have them subject to those requirements.

Annexation - The bill provides for a municipality may not enjoy the benefit of this exemption if it annexes unincorporated property that decreases the percentage of build-out to an amount below 90%.

Notice of buildout – The bill provides that the local government must notify Department of Community Affairs in writing of its built-out percentage prior to the submission of any local comprehensive plan amendments under this bill.

C. SECTION DIRECTORY:

Section 1: Amends s. 163.3177, F.S., relating to required and optional elements of comprehensive plan.

Section 2: Amends s. 163.3180, F.S., relating to concurrency.

Section 3: Amends s. 163.3187, F.S., relating to amendments of adopted comprehensive plans.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill does not appear to have a direct economic impact on the private sector.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds. The bill does not reduce the percentage of a state tax shared with counties or municipalities. The bill does not reduce the authority that municipalities have to raise revenue.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Not Applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

BILL

ORIGINAL

YEAR

A bill to be entitled

An act relating to growth management; amending subsection (2) of section 163.3177, Florida Statutes; deleting a requirement that the entire comprehensive plan be financially feasible; amending subsections (5) and (6) of section 163.3180, Florida Statutes; providing a waiver of the transportation facilities concurrency for certain urban infill, redevelopment, and downtown revitalization areas; deleting record keeping and reporting requirements related to transportation de minimis impacts; amending subsection (1) of section 163.3187, Florida Statutes; providing for small scale amendments for certain built-out municipalities; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (2) of section 163.3177, Florida Statutes, is amended to read:

163.3177 Required and optional elements of comprehensive plan; studies and surveys.--

(2) Coordination of the several elements of the local comprehensive plan shall be a major objective of the planning process. The several elements of the comprehensive plan shall be consistent, and the comprehensive plan shall be ~~financially~~ feasible. Financial feasibility shall be determined using professionally accepted methodologies.

Section 2. Paragraph (h) of subsection (5) and subsection (6) of section 163.3180, Florida Statutes, are amended to read:

163.3180 Concurrency.--

BILL

ORIGINAL

YEAR

(5)

(h) It is a high state priority that urban infill and redevelopment be promoted and provided incentives. By promoting the revitalization of existing communities of this state, a more efficient maximization of space and facilities may be achieved and urban sprawl discouraged. If a local government creates a long-term vision for its community that includes adequate funding, services, and multimodal transportation options, the transportation facilities concurrency requirements of paragraph (2)(c) are waived:

1. For urban infill and redevelopment areas designated in the comprehensive plan under s. 163.2517; or

2. For areas designated in the comprehensive plan prior to January 1, 2006, as urban infill development, urban redevelopment, or downtown revitalization.

(6) The Legislature finds that a de minimis impact is consistent with this part. A de minimis impact is an impact that would not affect more than 1 percent of the maximum volume at the adopted level of service of the affected transportation facility as determined by the local government. No impact will be de minimis if the sum of existing roadway volumes and the projected volumes from approved projects on a transportation facility would exceed 110 percent of the maximum volume at the adopted level of service of the affected transportation facility; provided however, that an impact of a single family home on an existing lot will constitute a de minimis impact on all roadways regardless of the level of the deficiency of the roadway. Further, no impact will be de minimis if it would exceed the adopted level-of-service standard of any affected designated

BILL

ORIGINAL

YEAR

hurricane evacuation routes. ~~Each local government shall maintain sufficient records to ensure that the 110 percent criterion is not exceeded. Each local government shall submit annually, with its updated capital improvements element, a summary of the de minimis records. If the state land planning agency determines that the 110 percent criterion has been exceeded, the state land planning agency shall notify the local government of the exceedance and that no further de minimis exceptions for the applicable roadway may be granted until such time as the volume is reduced below the 110 percent. The local government shall provide proof of this reduction to the state land planning agency before issuing further de minimis exceptions.~~

Section 3. Paragraph (p) is added to subsection (1) of section 163.3187, Florida Statutes, to read:

163.3187 Amendment of adopted comprehensive plan.--

(1) Amendments to comprehensive plans adopted pursuant to this part may be made not more than two times during any calendar year, except:

(p)1. For municipalities that are more than 90 percent built-out, any municipality's comprehensive plan amendments may be approved without regard to statutory limits on the frequency of consideration of amendments to the local comprehensive plan only if the proposed amendment involves a use of 100 acres or fewer and:

a. The cumulative annual effect of the acreage for all amendments adopted pursuant to this paragraph does not exceed 500 acres.

b. The proposed amendment does not involve the same property granted a change within the prior 12 months.

BILL

ORIGINAL

YEAR

c. The proposed amendment does not involve the same owner's property within 200 feet of property granted a change within the prior 12 months.

d. The proposed amendment does not involve a text change to the goals, policies, and objectives of the local government's comprehensive plan but only proposes a land use change to the future land use map for a site-specific small scale development activity.

e. The property that is the subject of the proposed amendment is not located within an area of critical state concern.

2. For purposes of this paragraph, the term "built-out" means 90 percent of the property within the municipality's boundaries, excluding lands that are designated as conservation, preservation, recreation, or public facilities categories, have been developed, or are the subject of an approved development order that has received a building permit, and the municipality has an average density of 5 units per acre for residential development.

3.a. A local government that proposes to consider a plan amendment pursuant to this paragraph is not required to comply with the procedures and public notice requirements of s. 163.3184(15)(c) for such plan amendments if the local government complies with the provisions of s. 166.041(3)(c). If a request for a plan amendment under this paragraph is initiated by other than the local government, public notice is required.

b. The local government shall send copies of the notice and amendment to the state land planning agency, the regional planning council, and any other person or entity requesting a

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copy. This information shall also include a statement identifying any property subject to the amendment that is located within a coastal high hazard area as identified in the local comprehensive plan.

4. Amendments adopted pursuant to this paragraph require only one public hearing before the governing board, which shall be an adoption hearing as described in s. 163.3184(7), and are not subject to the requirements of s. 163.3184(3)-(6) unless the local government elects to have them subject to those requirements.

5. This paragraph shall not apply if a municipality annexes unincorporated property that decreases the percentage of build-out to an amount below 90 percent.

6. A municipality shall notify the state land planning agency in writing of its built-out percentage prior to the submission of any comprehensive plan amendments under this subsection.

Section 4. This act shall take effect July 1, 2006.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 to PCB GM 06-02

Bill No. PCB GM 06-02

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Growth Management Committee
Representative(s) Johnson offered the following:

Amendment (with directory and title amendments)

Before line(s) 134 insert:

163.3180 Concurrency.--

(13)

(g) Interlocal agreement for school concurrency.--When establishing concurrency requirements for public schools, a local government must enter into an interlocal agreement that satisfies the requirements in ss. 163.3177(6)(h)1. and 2. and 163.31777 and the requirements of this subsection. The interlocal agreement shall acknowledge both the school board's constitutional and statutory obligations to provide a uniform system of free public schools on a countywide basis, and the land use authority of local governments, including their authority to approve or deny comprehensive plan amendments and development orders. The interlocal agreement shall be submitted to the state land planning agency by the local government as a part of the compliance review, along with the other necessary amendments to the comprehensive plan required by this part. In

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 to PCB GM 06-02

addition to the requirements of ss. 163.3177(6) (h) and
163.31777, the interlocal agreement shall meet the following
requirements:

5. Define the geographic application of school
concurrency. If school concurrency is to be applied on a less
than districtwide basis in the form of concurrency service
areas, the agreement shall establish criteria and standards for
the establishment and modification of school concurrency service
areas. ~~The agreement shall also establish a process and schedule
for the mandatory incorporation of the school concurrency
service areas and the criteria and standards for establishment
of the service areas into the local government comprehensive
plans.~~ The agreement shall ensure maximum utilization of school
capacity, taking into account transportation costs and court-
approved desegregation plans, as well as other factors. The
agreement shall also ensure the achievement and maintenance of
the adopted level-of-service standards for the geographic area
of application throughout the 5 years covered by the public
school capital facilities plan and thereafter by adding a new
fifth year during the annual update.

===== D I R E C T O R Y A M E N D M E N T =====

Before line(s) 134 insert:

Section 4. Paragraph (g) of subsection (13) of section
163.3180, Florida Statutes, is amended to read:

===== T I T L E A M E N D M E N T =====

Remove line(s) 13 and insert:

municipalities; amending s. 163.3180(13)(g), Florida
Statutes; deleting a requirement to adopt the school

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 to PCB GM 06-02

52 concurrency service areas and criteria and standards for
53 establishment of the service areas into the local
54 government comprehensive plan; providing an effective date.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 to PCB GM 06-02

Bill No. **PCB GM 06-02**

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Growth Management Committee
Representative(s) Johnson offered the following:

Amendment (with directory and title amendments)

Before line(s) 134 insert:

(4) POWERS AND DUTIES.—The commission shall:

(h) The Commission is assigned to the Office of the
Secretary of the Department of Community Affairs for
administrative and fiscal accountability purposes, but it shall
otherwise function independently of the control and direction of
the department.

(i) The Commission shall develop a budget pursuant to
Chapter 216. The budget is not subject to change by the
department, but such budget shall be submitted to the Governor
along with the budget of the department.

===== D I R E C T O R Y A M E N D M E N T =====

Before line(s) 134 insert:

Section 4. Paragraphs (h) and (i) are added to subsection
(4) of section 163.3247, Florida Statutes, to read:

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 to PCB GM 06-02

===== T I T L E A M E N D M E N T =====

Remove line(s) 13 and insert:

municipalities; adding paragraphs (h) and (i) to subsection
(4) of section 163.3247, Florida Statutes; assigning the
Century Commission for a Sustainable Florida to the
Department of Community Affairs for administrative and
fiscal accountability purposes; providing for budget
development; providing an effective date.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3 to PCB GM 06-02

Bill No. PCB GM 06-02

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Growth Management Committee
Representative(s) Johnson offered the following:

Amendment (with directory and title amendments)

Before line(s) 134 insert:

339.2819 Transportation Regional Incentive Program.--

(2) The percentage of matching funds provided from the
Transportation Regional Incentive Program shall be 50 percent of
project costs, or up to 50 percent of the nonfederal share of
the eligible project cost for a public transportation facility
project. As with road projects, federal urban attributable funds
are an eligible local match for transit projects.

===== D I R E C T O R Y A M E N D M E N T =====

Before line(s) 134 insert:

Section 4. Subsection (2) of section 339.2819, Florida
Statutes, is amended to read:

===== T I T L E A M E N D M E N T =====

Remove line(s) 13 and insert:

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3 to PCB GM 06-02

21 municipalities; providing that federal urban attributable
22 funds are an eligible local match for transit projects;
23 providing an effective date.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 to PCB GM 06-02

Bill No. PCB GM 06-02

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Growth Management Committee
Representative(s) Johnson offered the following:

Amendment (with directory and title amendments)

Before line(s) 134 insert:

163.31777 Public schools interlocal agreement.--

(3)

~~(b) The state land planning agency's notice is subject to challenge under chapter 120; however, an affected person, as defined in s. 163.3184(1)(a), has standing to initiate the administrative proceeding, and this proceeding is the sole means available to challenge the consistency of an interlocal agreement required by this section with the criteria contained in subsection (2) and this subsection. In order to have standing, each person must have submitted oral or written comments, recommendations, or objections to the local government or the school board before the adoption of the interlocal agreement by the school board and local government. The district school board and local governments are parties to any such proceeding. In this proceeding, when the state land planning agency finds the interlocal agreement to be consistent with the~~

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 to PCB GM 06-02

~~criteria in subsection (2) and this subsection, the interlocal agreement shall be determined to be consistent with subsection (2) and this subsection if the local government's and school board's determination of consistency is fairly debatable. When the state planning agency finds the interlocal agreement to be inconsistent with the requirements of subsection (2) and this subsection, the local government's and school board's determination of consistency shall be sustained unless it is shown by a preponderance of the evidence that the interlocal agreement is inconsistent.~~

~~(c) If the state land planning agency enters a final order that finds that the interlocal agreement is inconsistent with the requirements of subsection (2) or this subsection, it shall forward it to the Administration Commission, which may impose sanctions against the local government pursuant to s. 163.3184(11) and may impose sanctions against the district school board by directing the Department of Education to withhold from the district school board an equivalent amount of funds for school construction available pursuant to ss. 1013.65, 1013.68, 1013.70, and 1013.72.~~

===== D I R E C T O R Y A M E N D M E N T =====

Remove line(s) 134 and insert:

Section 4. Paragraphs (b) and (c) of subsection (3) of 163.31777 are amended to read:

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 to PCB GM 06-02

47 ===== T I T L E A M E N D M E N T =====

48 Remove line(s) 13 and insert:
49 municipalities; deleting challenge provisions related to
50 the public schools interlocal agreement; providing an
51 effective date.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 5 to PCB GM 06-02

Bill No. **PCB GM 06-02**

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Growth Management Committee
Representative(s) Johnson offered the following:

Amendment (with directory and title amendments)

Before line(s) 134 insert:

(19) If a development within a municipality dedicates at least 15 percent of its units to the construction of workforce housing, then any existing or future charter county charter provision, ordinance, land development regulation, or countywide special act that governs the use, development, or redevelopment of land shall not be applicable to such development, unless the provision regulates expressive conduct. For purposes of this subsection, the term "workforce housing" means housing that is affordable to a household that earns less than 150 percent of the area median household income adjusted for family size.

===== D I R E C T O R Y A M E N D M E N T =====

Before line(s) 134 insert:

Section 4. Subsection (19) is added to section 163.3184, Florida Statutes.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 5 to PCB GM 06-02

===== T I T L E A M E N D M E N T =====

Remove line(s) 13 and insert:

municipalities; providing an exemption from the effect of
charter county provisions for certain development within a
municipality; providing an effective date.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 6 to PCB GM 06-02

Bill No. PCB GM 06-02

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Growth Management Committee
Representative(s) Johnson offered the following:

Amendment (with directory and title amendments)

Before line(s) 134 insert:

(e) Municipalities that have areas designated within their
comprehensive plan shall be exempt from the requirements for
transportation concurrency if they have an area-wide development
of regional impact; have not changed the boundaries of the
development of regional impact after 2005; and adopt a
mitigation plan to address transportation blight if one has not
been adopted as part of the area-wide development of regional
impact.

===== D I R E C T O R Y A M E N D M E N T =====

Remove line(s) 134 and insert:

Section 4. Paragraph (e) is added to subsection (9) of
section 163.3180, Florida Statutes, to read:

===== T I T L E A M E N D M E N T =====

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 6 to PCB GM 06-02

22 Remove line(s) 13 and insert:
23 municipalities; provides a transportation concurrency
24 exemption; providing an effective date.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 7 to PCB GM 06-02

Bill No. PCB GM 06-02

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Growth Management Committee
Representative(s) Johnson offered the following:

Amendment (with directory and title amendments)

Before line(s) 134 insert:

(c) Consistent with the public welfare, and except as otherwise provided in this section, transportation facilities needed to serve new development shall be in place or under actual construction within 3 years after the local government approves a building permit or its functional equivalent that results in traffic generation. However, local governments, in cooperation with the Department of Transportation, which adopt a five-year or longer transportation improvements plan for future development and make the financial commitments to fund such plan, shall be deemed concurrent throughout the duration of the plan even if in any particular year such transportation improvements are not concurrent.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 7 to PCB GM 06-02

18 ===== D I R E C T O R Y A M E N D M E N T =====

19 Before line(s) 134 insert:

20 Section 4. Paragraph (c) of subsection (2) of section
21 163.3180, Florida Statutes, is amended to read:

22

23 ===== T I T L E A M E N D M E N T =====

24 Remove line(s) 13 and insert:

25 municipalities; providing that transportation concurrency
26 is met under certain circumstances; providing an effective
27 date.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 8 to PCB GM 06-02

Bill No. PCB GM 06-02

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Council/Committee hearing bill: Growth Management Committee
2 Representative(s) Johnson offered the following:

3
4 **Amendment (with directory and title amendments)**

5 Before line(s) 134 insert:

6 (b)1. The capital improvements element shall be reviewed
7 on an annual basis and modified as necessary in accordance with
8 s. 163.3187 or s. 163.3189 in order to maintain a financially
9 feasible 5-year schedule of capital improvements. Corrections
10 and modifications concerning costs; revenue sources; or
11 acceptance of facilities pursuant to dedications which are
12 consistent with the plan may be accomplished by ordinance and
13 shall not be deemed to be amendments to the local comprehensive
14 plan. A copy of the ordinance shall be transmitted to the state
15 land planning agency. An amendment to the comprehensive plan is
16 required to update the schedule on an annual basis or to
17 eliminate, defer, or delay the construction for any facility
18 listed in the 5-year schedule. An affected person may only
19 challenge the addition of a facility when it is first added to
20 the 5-year schedule of capital improvements, or when a project
21 is proposed to be eliminated, deferred or delayed. All public

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 8 to PCB GM 06-02

22 facilities shall be consistent with the capital improvements
23 element. Amendments to implement this section must be adopted
24 and transmitted no later than December 1, 2007. Thereafter, a
25 local government may not amend its future land use map, except
26 for plan amendments to meet new requirements under this part and
27 emergency amendments pursuant to s. 163.3187(1)(a), after
28 December 1, 2007, and every year thereafter, unless and until
29 the local government has adopted the annual update and it has
30 been transmitted to the state land planning agency. If there is
31 a challenge by an affected party to the 5-year schedule of
32 capital improvements, a local government may continue to adopt
33 plan amendments to its future land use map during the pendency
34 of the challenge and any related litigation. The outcome of the
35 third party challenge to the 5-year schedule of capital
36 improvements shall not affect any amendments adopted during the
37 pendency of such challenge and any related litigation.

38
39
40 ===== D I R E C T O R Y A M E N D M E N T =====

41 Before line(s) 134 insert:

42 Section 4. Subparagraph 1 of paragraph (b) of subsection 3
43 of section 163.3177, Florida Statutes, is amended to read:

44
45 ===== T I T L E A M E N D M E N T =====

46 Remove line(s) 13 and insert:

47 municipalities; providing for the effectiveness of future
48 land use amendments following a challenge to the 5-year
49 schedule of capital improvements; providing an effective
50 date.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 9 to PCB GM 06-02

Bill No. **PCB GM 06-02**

COUNCIL/COMMITTEE ACTION

ADOPTED	___ (Y/N)
ADOPTED AS AMENDED	___ (Y/N)
ADOPTED W/O OBJECTION	___ (Y/N)
FAILED TO ADOPT	___ (Y/N)
WITHDRAWN	___ (Y/N)
OTHER	_____

1 Council/Committee hearing bill: Growth Management Committee
2 Representative(s) Johnson offered the following:

Amendment (with directory and title amendments)

5 Before line(s) 134 insert:

6 4. School capacity shall not be the basis to find any
7 amendment to a local government comprehensive plan not in
8 compliance pursuant to section 163.3184, until the date
9 established pursuant to section 163.3177(12)(i) provided that
10 data and analysis is submitted to the state land planning agency
11 demonstrating coordination between the school board and local
12 government to plan to address capacity issues.

14 ===== D I R E C T O R Y A M E N D M E N T =====

15 Before line(s) 134 insert:

16 Section 4. Subparagraph 4 is added to paragraph (d) of
17 subsection (13) of section 163.3180, Florida Statutes, to read:

19 ===== T I T L E A M E N D M E N T =====

20 Remove line(s) 13 and insert:

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 9 to PCB GM 06-02

21 municipalities; providing that school capacity is not a
22 basis for finding a comprehensive plan amendment not in
23 compliance; providing an effective date.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 10 to PCB GM 06-02

Bill No. PCB GM 06-02

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Growth Management Committee
Representative(s) Johnson offered the following:

Amendment (with directory and title amendments)

Before line(s) 134 insert:

(24) STATUTORY EXEMPTIONS.

(l) Any proposed development within an urban service boundary established under s. 163.3177(14) is exempt from the provisions of this section if the local government having jurisdiction over the area where the development is proposed has adopted the urban service boundary, ~~and~~ has entered into a binding agreement with ~~adjacent~~ jurisdictions that would be impacted and with the Department of Transportation regarding the mitigation of impacts on state and regional transportation facilities, and has adopted a proportionate share methodology pursuant to s. 163.3180(16).

(m) Any proposed development within a rural land stewardship area created under s. 163.3177(11)(d) is exempt from the provisions of this section if the local government that has adopted the rural land stewardship area has entered into a binding agreement with jurisdictions that would be impacted and

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 10 to PCB GM 06-02

the Department of Transportation regarding the mitigation of impacts on state and regional transportation facilities, and has adopted a proportionate share methodology pursuant to s. 163.3180(16).

(n) Any proposed development or redevelopment within an area designated as an urban infill and redevelopment area under s. 163.2517 is exempt from ~~the provisions of~~ this section if the local government has entered into a binding agreement with jurisdictions that would be impacted and the Department of Transportation regarding the mitigation of impacts on state and regional transportation facilities, and has adopted a proportionate share methodology pursuant to s. 163.3180(16).

(28) PARTIAL STATUTORY EXEMPTIONS.

(a) If the binding agreement referenced under paragraph (24)(l) for urban service boundaries is not entered into within 12 months after establishment of the urban service boundary, the development-of-regional-impact review for projects within the urban service boundary must address transportation impacts only.

(b) If the binding agreement referenced under paragraph (24)(n) for designated urban infill and redevelopment areas is not entered into within 12 months after the designation of the area or July 1, 2007, whichever occurs later, the development-of-regional-impact review for projects within the urban infill and redevelopment area must address transportation impacts only.

(c) If the binding agreement referenced under paragraph (24)(m) for rural land stewardship areas is not entered into within 12 months after the designation of a rural land stewardship area, the development-of-regional-impact review for projects within the rural land stewardship area must address transportation impacts only.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 10 to PCB GM 06-02

(d) A local government that does not wish to enter into a binding agreement or that is unable to agree on the terms of the agreement referenced under paragraph (24)(l), paragraph (24)(m), or paragraph (24)(n) shall provide written notification to the state land planning agency of the desire not to enter into a binding agreement or failure to enter into a bind agreement within the 12-month period referenced in paragraphs (a), (b) and (c). Following the notification of the state land planning agency, the development-of-regional-impact review for projects within the urban service boundary under paragraph (24)(l), a rural land stewardship area under paragraph (24)(m), or for an urban infill and redevelopment area under paragraph (24)(n) must address transportation impacts only.

===== D I R E C T O R Y A M E N D M E N T =====

Before line(s) 134 insert:

Section 4. Subsection (24) of section 380.06, Florida Statutes, is amended; and subsection (28) is added to section 380.06, Florida Statutes, to read:

===== T I T L E A M E N D M E N T =====

Remove line(s) 13 and insert:

municipalities; clarifying an exemption from development of regional impact review; providing consequences for entering and not entering a binding agreement relating to certain development; providing an effective date.

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HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB GM 06-03 Growth Management
SPONSOR(S): Growth Management Committee
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.: Growth Management Committee		Strickland <i>B.S.</i>	Grayson <i>AG</i>
1)			
2)			
3)			
4)			
5)			

SUMMARY ANALYSIS

PCB GM-06-03 is a bill relating to the planning and funding of infrastructure. The PCB:

- Provides that the Department of Community Affairs shall not use the lack of availability of water as a basis for finding a comprehensive plan amendment not in compliance if the local government transmits with its adopted plan amendment a letter from the applicable water supplier that provides that adequate water supplies will be available.
- Provides that should the water provider have a property interest in the land that is subject to the amendment, the letter must be provided by the applicable water management district.

The bill includes a \$25 million appropriation to the Conservation and Recreation Lands Program Trust Fund from the General Revenue Funds.

The bill provides an effective date of July 1, 2006.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

Background:

Ch. 2005-290, L.O.F.

The 2005 Legislature enacted ch. 2005-290, L.O.F. (CS/CS/CS SB 360), the Act, relating to infrastructure planning and funding. The Act was the subject of a conference committee during the last two days of the 2005 Session and was the last bill to pass both houses during the last hour of that Session.

Effect of Proposed Change:

The bill provides that the Department of Community Affairs must not use the lack of availability of water for finding a comprehensive plan amendment not in compliance of an adopted comprehensive plan amendment under the following circumstances:

- A letter is provided along with the adopted comprehensive plan amendment by the applicable water supplier that provides that adequate water supplies will be available, or
- In the case that the water supplier has a property interest in the subject property, a letter is provided and submitted by the applicable water management district setting forth that adequate water will be available.

The bill appropriates \$25 million in the General Revenue Funds for the Conservation and Recreation Lands Program Trust Fund with the Department of Agriculture and Consumer Services, for the purposes of conservation easements and agreements.

C. SECTION DIRECTORY:

Section 1: Amends s. 163.3184, F.S., relating to the adoption of comprehensive plans and amendments.

Section 2: Provides for a \$25 million appropriation to the Conservation and Recreation Lands Program Trust Fund from the General Revenue Funds.

Section 3: Provides for an effective date of July 1, 2006.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill appropriates \$25 million dollars from General Revenue Funds to the Conservation and Recreation Lands Program Trust Fund.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

There does not appear to be a direct economic impact on the private sector.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds. The bill does not reduce the percentage of a state tax shared with counties or municipalities. The bill does not reduce the authority that municipalities have to raise revenue.

2. Other:

Not applicable.

B. RULE-MAKING AUTHORITY:

Not Applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

PCB GM 06-03

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A bill to be entitled

An act relating to Growth Management; amending paragraph (b) of subsection 8 of section 163.3184, Florida Statutes; providing a limitation related to compliance determinations by the state land planning agency; providing affordable housing density bonuses; providing an appropriation; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (b) of subsection (8) of section 163.3184, Florida Statutes, is amended to read:

163.3184 Process for adoption of comprehensive plan or plan amendment.--

(8) NOTICE OF INTENT.--

(b) Except as provided in paragraph (a) or in s. 163.3187(3), the state land planning agency, upon receipt of a local government's complete adopted comprehensive plan or plan amendment, shall have 45 days for review and to determine if the plan or plan amendment is in compliance with this act, unless the amendment is the result of a compliance agreement entered into under subsection (16), in which case the time period for review and determination shall be 30 days. If review was not conducted under subsection (6), the agency's determination must be based upon the plan amendment as adopted. If review was conducted under subsection (6), the agency's determination of compliance must be based only upon one or both of the following:

1. The state land planning agency's written comments to the local government pursuant to subsection (6); or

PCB GM 06-03

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30 2. Any changes made by the local government to the
31 comprehensive plan or plan amendment as adopted.

32 3. However, if a state land planning agency's written
33 comments to the local government pursuant to subsection (6)
34 relates to the availability of water, the agency shall not use
35 the lack of availability of water during the agency's
36 determination of compliance if the applicable local government
37 transmits with its adopted plan amendment a letter from the
38 applicable water supplier that provides that adequate water
39 supplies will be available. If the applicable water supplier
40 owns a property interest in the land that is the subject of the
41 plan amendment, then the local government must submit a letter
42 from the applicable water management district providing that
43 adequate water supplies will be available.

44 Section 2. There is hereby appropriated the sum of \$25
45 million from the General Revenue Funds for the Conservation and
46 Recreation Lands Program Trust Fund within the Department of
47 Agriculture and Consumer Services, for the purposes of section
48 570.71.

49 Section 3. This act shall take effect July 1, 2006.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 to PCB GM 06-03

Bill No. PBC GM 06-03

COUNCIL/COMMITTEE ACTION

ADOPTED	___ (Y/N)
ADOPTED AS AMENDED	___ (Y/N)
ADOPTED W/O OBJECTION	___ (Y/N)
FAILED TO ADOPT	___ (Y/N)
WITHDRAWN	___ (Y/N)
OTHER	_____

1 Council/Committee hearing bill: Growth Management Committee
2 Representative(s) Johnson offered the following:
3

4 **Amendment (with directory and title amendments)**

5 Between line(s) 48 and 49 insert:

6 (f)6. If the local government determines that the proposed
7 change does not require further development-of-regional-impact
8 review and is otherwise approved, or if the proposed change is
9 not subject to a hearing and determination pursuant to
10 subparagraphs 3. and 5. and is otherwise approved, the local
11 government shall issue an amendment to the development order
12 incorporating the approved change and conditions of approval
13 relating to the change. The requirement that a change be
14 otherwise approved shall not be construed to require additional
15 local review or approval if the change is allowed by applicable
16 local ordinances without further local review or approval. The
17 decision of the local government to approve, with or without
18 conditions, or to deny the proposed change that the developer
19 asserts does not require further review shall be subject to the
20 appeal provisions of s. 380.07. However, the state land planning
21 agency may not appeal the local government decision if it did

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 to PCB GM 06-03

not comply with subparagraph 4. The state land planning agency may not appeal a change to a development order made pursuant to subparagraph (e)1. or subparagraph (e)2. for developments of regional impact approved after January 1, 1980, unless the change would result in a significant impact to a regionally significant archaeological, historical, or natural resource not previously identified in the original development-of-regional-impact review.

===== D I R E C T O R Y A M E N D M E N T =====

Between line(s) 48 and 49 insert:

Section 3. Subparagraph 6 of paragraph (f) of subsection (19) of section 380.06, Florida Statutes, is amended to read:

===== T I T L E A M E N D M E N T =====

Remove line(s) 7 and insert:

appropriation; providing clarification; providing an effective date.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 to PCB GM 06-03

Bill No. **PBC GM 06-03**

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

Council/Committee hearing bill: Growth Management Committee
Representative(s) Johnson offered the following:

Amendment (with directory and title amendments)

Between line(s) 48 and 49 insert:

(h) New applications for development approval within or adjacent and contiguous to property which has been granted a transportation concurrency exception pursuant to this section shall not be required to include traffic generated as a result of the grant of the exemption in their traffic concurrency calculations.

===== D I R E C T O R Y A M E N D M E N T =====

Between line(s) 48 and 49 insert:

Section 3. Paragraph (h) is added to subsection (5) of section 163.3180, Florida Statutes, to read:

===== T I T L E A M E N D M E N T =====

Remove line(s) 7 and insert:

appropriation; providing direction for the calculation of traffic concurrency; providing an effective date.

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